



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 18

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SEP 2 2004

In re Application of )  
Kinya Washino, et al. )  
Application No. 10/004,046 )  
Filed: October 24, 2001 )  
For: **MULTI-FORMAT AUDIO/VIDEO** )  
**PRODUCTION SYSTEM** )

**NOTIFICATION OF  
IDENTIFICATION OF PRIOR  
ART IN PROTEST UNDER 37  
C.F.R. § 1.291(a)**

This notification is in response to a protest filed July 12, 2004.

37 CFR § 1.291 Protests by the public against pending applications, states in part:

(a) Protests by a member of the public against pending applications will be referred to the examiner having charge of the subject matter involved. A protest specifically identifying the application to which the protest is directed will be entered in the application file if:

- (1) The protest is submitted prior to the date the application was published or the mailing of a notice of allowance under § 1.311, whichever occurs first; and
- (2) The protest is either served upon the applicant in accordance with § 1.248, or filed with the Office in duplicate in the event service is not possible.

MPEP §1441.01 [R-2] Protest in Reissue Applications, states in part:

Since reissue applications are not published under 35 U.S.C. 122, pursuant to 37 CFR 1.291(a)(1), a protest may be filed throughout the pendency of a reissue application prior to the date of mailing of a notice of allowance subject to the timing constraints of the examination, as set forth in MPEP § 1901.04. [emphasis added]

The protest was filed in a reissue application, prior to allowance along with a certificate of service on the cover of the protest. Therefore, the Protest is a proper citation under 37 C.F.R. §1.291(a). It will be entered into the application file and forwarded to the examiner for consideration of the protest in accordance with MPEP §1901.04 and §1901.06 as well as address Applicants' response to the outstanding Office action, received June 1, 2004.

  
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